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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8
9 GABRIEL HERNANDEZ, No. C 08-4085 SI (pr)
10 Petitioner,

11 v.

12 PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Respondent.
15 _____ /

16 Petitioner filed a motion for stay and abeyance of these proceedings. (Docket # 15.) He
17 did not serve a copy of his motion on respondent's counsel and instead sent an original and a
18 copy to the court with a request that the court send a copy to respondent's counsel. This is an
19 unacceptable practice: the court does not act as a forwarding service and petitioner must send
20 directly to respondent's counsel a copy of every document he files at the time he files it. In this
21 one instance, the clerk will mail the extra copy of the motion for stay and abeyance to
22 respondent, but petitioner is cautioned not to repeat this mistake because the court will strike any
23 document that petitioner files but does not serve on respondent's counsel. Respondent must file
24 and serve any opposition to the motion for stay and abeyance no later than **October 19, 2009**.
25 Petitioner must file and serve any reply brief no later than **November 6, 2009**.

26 Petitioner filed a separate motion for a stay of proceedings until he receives a copy of the
27 exhibits filed with respondent's answer to the petition. The motion is DENIED because a stay
28 is not the appropriate way to resolve this problem. (Docket # 14.) Respondent must send to

1 petitioner a copy of the exhibits he lodged with his answer no later than **November 30, 2009**.

2 Petitioner's motion for an extension of time to file his traverse is GRANTED. (Docket
3 # 18.) The deadline for filing a traverse is vacated and will be reset after the court rules on the
4 motion for a stay and abeyance.

5 IT IS SO ORDERED.

6 DATED: October 6, 2009



SUSAN ILLSTON
United States District Judge

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